

## IN THE NEBRASKA WORKERS' COMPENSATION COURT

ALPHONSUS OLEH,

) DOC. 203 NO. 0967

Plaintiff,

VS

CORRECTED  
NOTICE OF  
TRIALRECEIVED  
AND FILEDTRI-CITY DIESEL, NATIONAL INDOOR  
FOOTBALL LEAGUE, RPC EMPLOYER  
SERVICES, AND OHIO BUREAU OF  
EMPLOYMENT SERVICES,

MAY 11 2004

Defendants.

NEBRASKA WORKERS'  
COMPENSATION COURT

TO THE ABOVE NAMED PARTIES, please take notice that a trial in the above cause in accordance with the provisions of the Nebraska Workers' Compensation Act will be held before the Honorable Judge Laureen Van Norman at the Buffalo County Courthouse in Kearney, Nebraska on the 16th day of September, 2004, commencing at 1:00 o'clock, p.m.

Please be present, together with your witnesses, at the time and place fixed for trial and be prepared to proceed with presentation of evidence.



NEBRASKA WORKERS' COMPENSATION COURT  
MICHAEL K. HIGH  
PRESIDING JUDGE

By Kay Peterson /mi  
Clerk

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Corrected Notice of Trial was sent by ordinary United States mail, first class postage prepaid, on this 11th day of May, 2004, addressed as shown below, to the following:

Todd D Bennett  
Rehm Bennett & Moore  
3701 Union Dr #200  
Po Box 22067  
Lincoln NE 68516

Shirley K Williams  
Knudsen Berkheimer  
Richardson & Endacott  
1000 NBC Center, 1248 O Street  
Lincoln NE 68508-1474

Tri-city Diesel - Pro Se  
609 Platt Road  
Kearney NE 68847

RPC Employer Services - Pro Se  
6824 Big Beaver Blvd  
Beaver Fall PA 15010

Ohio Bureau of Employment Services - Pro Se  
45 S Front Street, PO Box 923  
Columbus OH 43216

Kay Peterson /mi  
Clerk, Nebraska Workers' Compensation Court

mi

EXHIBIT

A

IN THE NEBRASKA WORKERS' COMPENSATION COURT

ALPHONSIUS OLEH,	)	Docket 203	No. 0967
	)		
Plaintiff,	)		
	)		
vs.	)		
	)		
TRI-CITY DIESEL, NATIONAL INDOOR	)	ANSWER OF NATIONAL INDOOR	
FOOTBALL LEAGUE, RPC EMPLOYER	)	FOOTBALL LEAGUE, LLC TO	
SERVICES, and OHIO BUREAU OF	)	AMENDED PETITION OF PLAINTIFF	
EMPLOYMENT SERVICES,	)		
	)		
Defendants.	)		

COMES NOW the defendant, National Indoor Football League, LLC, and answers the Amended Petition of plaintiff as follows:

1. Denies each and every allegation of the Amended Petition and Petition, except the first sentence of paragraph 2 of the Amended Petition dealing with RPC Employment Services, said allegation against RPC Employment Services being neither admitted nor denied. All other allegations in the Petition and Amended Petition are expressly denied, except those which constitute admissions against the interest of the plaintiff.
2. Denies the plaintiff was ever an employee of the National Indoor Football League, LLC, and also expressly denies that the National Indoor Football League, LLC, is, or was at any relevant time, an employer of the plaintiff.
3. Denies any employer-employee relationship exists or ever existed between this defendant and the plaintiff.
4. Denies there is any coverage under the Nebraska Workers' Compensation Act for this claim by the plaintiff.
5. Denies there was any employment of the plaintiff by this defendant in the usual course of the trade, business, profession, or occupation of this defendant.

6. Denies that there is any jurisdiction, either personal or subject matter, for any claim against this defendant under Nebraska Workers' Compensation law.

7. Denies the plaintiff gave proper notice of his alleged injury as is required under the Nebraska Workers' Compensation Act.

8. States this defendant is a limited liability company and should be addressed as such in the caption of this case and denies the current caption properly addresses this defendant.

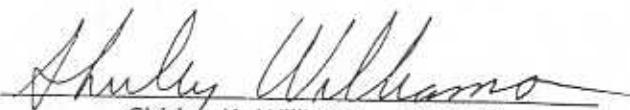
WHEREFORE, this defendant respectfully requests that the Amended Petition of the plaintiff be dismissed.

DATED this 3<sup>rd</sup> day of May, 2004.

NATIONAL INDOOR FOOTBALL LEAGUE, LLC,  
Defendant

By: KNUDSEN, BERKHEIMER,  
RICHARDSON & ENDACOTT, LLP  
1248 "O" Street, Suite 1000  
Lincoln, Nebraska 68508-1474  
(402) 475-7011

By:



Shirley K. Williams ~ #17757

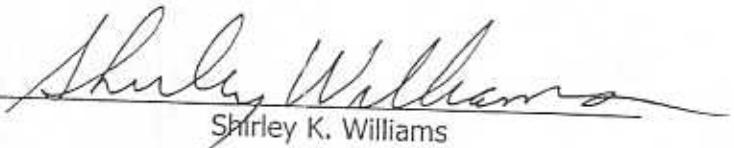
CERTIFICATE OF SERVICE

The undersigned hereby certifies that she caused a true and correct copy of the foregoing **Answer of National Indoor Football League, LLC to Amended Petition of Plaintiff** to be served by First Class United States mail, sufficient postage prepaid on this 3<sup>rd</sup> day of May, 2004, on the following:

Todd D. Bennett  
Rehm, Bennett & Moore, PC, LLO  
3701 Union Drive, Suite 200  
P.O. Box 22067  
Lincoln, Nebraska 68542-2067

RPC Employer Services  
Dan D'ilio or Maureen Ciarolla  
6824 Big Beaver Boulevard  
Beaver Falls, Pennsylvania 15010

Ohio Bureau of Employment Services  
45 South Front Street  
P.O. Box 923  
Columbus, Ohio 43216

  
\_\_\_\_\_  
Shirley K. Williams

RECEIVED  
AND FILED

OCT 29 2004

IN THE NEBRASKA WORKERS' COMPENSATION COURT

ALPHONSIUS OLEH,

) Docket 203

No. 0967

NEBRASKA WORKERS'  
COMPENSATION COURT

Plaintiff,

) ORDER APPROVING FINAL  
LUMP SUM SETTLEMENT

) VS.

TRI-CITY DIESEL, NATIONAL INDOOR  
FOOTBALL LEAGUE, RPC EMPLOYER  
SERVICES, and OHIO BUREAU OF  
EMPLOYMENT SERVICES,

) Defendants.

This matter comes on for determination upon the Application for Approval of Final Lump Sum Settlement submitted by the parties herein.

The court being fully advised in the premises and having reviewed the documentation submitted, finds that the Application for Approval of Final Lump Sum Settlement is made in conformity with the compensation schedule and for the best interests of the employee, and should be approved.

IT IS THEREFORE ORDERED that the aforesaid Application for Approval of Final Lump Sum Settlement is hereby approved. Upon payment of \$4,500.00, defendant, Tri-City Diesel, its successors and assigns shall be discharged from all further liability on account of the accident and injuries, known or unknown, of June 22, 2001.

DATED: October 29, 2004.

BY THE COURT:



*Lauren Van Norman*  
Nebraska Workers' Compensation Judge

IN THE NEBRASKA WORKERS' COMPENSATION COURT

ALPHONSIUS OLEH, ) Docket 203 No. 0967  
Plaintiff, )  
vs. )  
TRI-CITY DIESEL, NATIONAL INDOOR ) APPLICATION FOR APPROVAL OF  
FOOTBALL LEAGUE, RPC EMPLOYER ) FINAL LUMP SUM SETTLEMENT  
SERVICES, and OHIO BUREAU OF ) RECEIVED  
EMPLOYMENT SERVICES, ) AND FILED  
Defendants. ) SEP 28 2004  
NEBRASKA WORKERS' COMPENSATION COURT

**IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO:**

1. That on or about June 22, 2001, the above-named plaintiff (SSN # [REDACTED]) alleges that he sustained an accidental injury arising out of and in the course of employment with the above-named defendant employer, Tri-City Diesel (hereinafter defendant).
2. That the type of injury alleged is to his right arm/shoulder. (Exhibit A)
3. That both the defendant and plaintiff were operating under and subject to the provisions of the Nebraska Workers' Compensation Act.
4. National Indoor Football League alleges it is not the employer of plaintiff and plaintiff states it is hereby dismissed from this action with prejudice.
5. Payments made in this case, both before and as part of this lump sum settlement, are being made by St. Paul Travelers as the insurer for Tri-City Diesel (defendant).

**MEDICAL EXPENSES:**

6. That plaintiff has incurred medical, hospital and miscellaneous expenses in the amount of \$5,957.19. Attached is an itemized list of all such expenses incurred by the plaintiff and paid by the defendant directly to the providers listed. (Exhibit B) The medical expenses listed on Exhibit B, to the best of the parties' knowledge, represent the total expenses incurred to date and the parties are unaware of any others. Any medical expenses incurred, other than those listed on Exhibit B, including, but not limited to, all future medical, hospital, and other expenses which may be incurred by plaintiff or anyone in plaintiff's behalf shall become plaintiff's sole and separate obligation, and defendant is to be released and discharged of and from any and all liability therefore.

**VOCATIONAL REHABILITATION:**

7. That plaintiff understands his rights to undergo rehabilitation but is waiving any further entitlement to vocational rehabilitation benefits for one of the following reasons:  
 a. Plaintiff has returned to suitable work.

Wage Rate: \$8.00 per hour  
Employer/type of work: Fair Oak Ford

b. Plaintiff has not returned to suitable work but nevertheless wishes to enter into this settlement. Attach a detailed narrative explanation regarding plaintiff's waiver of vocational rehabilitation services and settlement of the claim at this time. Waivers are closely scrutinized by the court and in most cases will not be approved if the employee has not returned to suitable employment. (Exhibit C)

**DISABILITY COMPENSATION:** (Attach Computation Form)

**TEMPORARY:**

8. That plaintiff incurred temporary total disability for 45 4/7 weeks.
9. That plaintiff incurred no temporary partial disability.

**PERMANENT:**

10. This settlement is based upon the disability rating of 20% of the right upper extremity. (Exhibit D)

**The plaintiff understands that by entering into this settlement, the plaintiff:**

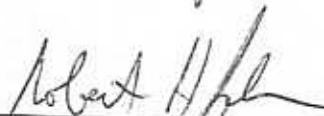
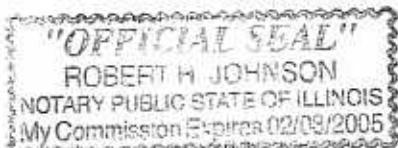
1. will not receive any further workers' compensation disability benefits by reason of these injuries;
2. will not receive any further workers' compensation vocational rehabilitation benefits by reason of these injuries;
3. will not receive any further workers' compensation medical, hospital or miscellaneous expenses by reason of these injuries;
4. may decline settlement and proceed to trial, which may result in more or less money and other benefits or dismissal of plaintiff's claim;
5. understands that, upon paying the court-approved amount of \$4,500.00, the defendant, its successors and assigns, are fully discharged from all further liability under the Nebraska Workers' Compensation laws, as amended on account of the accident and injuries of June 22, 2001, whether physical or mental, now known to or become known in the future, unless the settlement was procured by fraud, and shall be entitled to a duly executed release;
6. represents to defendant that he has never been on Medicare for this or any other condition, is not presently on Medicare, is not entitled to be on Medicare, and does not reasonably anticipate being on Medicare, or being entitled to be on Medicare, for at least 30 months following the approval of these settlement documents;
7. upon filing the release or other proof of payment with the court, the liability of the defendant under any agreement, award, finding or decree under the Nebraska Workers' Compensation laws, as amended shall be discharged of record.

The parties by their signatures below agree to the settlement, and the parties request and recommend that this settlement be approved.



Alphonsus Olieh ~ Plaintiff

Subscribed and sworn to before me this 23 day of September, 2004.



Notary Public

ALPHONSUM OLEH, Plaintiff

By: REHM, BENNETT & MOORE, PC, LLO  
3701 Union Drive, Suite 200  
P.O. Box 22067  
Lincoln, Nebraska 68542-2067  
(402) 474-2300

By:



Todd D. Bennett ~ #20658

TRI-CITY DIESEL and NATIONAL INDOOR  
FOOTBALL LEAGUE, Defendants

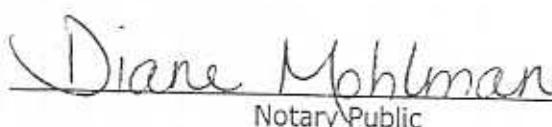
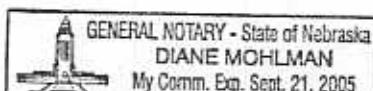
By: KNUDSEN, BERKHEIMER,  
RICHARDSON & ENDACOTT, LLP  
1248 "O" Street, Suite 1000  
Lincoln, Nebraska 68508-1474  
(402) 475-7011

By:



Shirley K. Williams ~ #17757

Subscribed and sworn to before me this 28 day of September, 2004.



Diane Mohlman  
Notary Public